

# PATENT COOPERATION TREATY

PCT/PTO 13 DEC 2004

10/517697

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

Johnstone, Douglas Ian  
BARON & WARREN  
19 South End, Kensington  
London W8 5BU  
GRANDE BRETAGNE

BARON & WARREN									
RECEIVED									
24 SEP 2004									
ICSW		SEM		REC	1				
APW	2	BJ		ACC					
SCOB		TW							
COMP. DIARY No.									

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing  
(day/month/year)

22.09.2004

Applicant's or agent's file reference

./.

## IMPORTANT NOTIFICATION

International application No.

PCT/GB 03/02485

International filing date (day/month/year)

10.06.2003

Priority date (day/month/year)

13.06.2002

Applicant

ALPHA THAMES LTD. et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international preliminary examining authority:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0 Tx: 523656 epmu d  
Fax: +49 89 2399 - 4465

Authorized Officer

Zibell, M

Tel. +49 89 2399-7213



# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference ./.	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/GB 03/02485	International filing date (day/month/year) 10.06.2003	Priority date (day/month/year) 13.06.2002
International Patent Classification (IPC) or both national classification and IPC F17D3/00		
Applicant ALPHA THAMES LTD. et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.


2. This REPORT consists of a total of 6 sheets, including this cover sheet.


☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of    sheets.

3. This report contains indications relating to the following items:

- I    ☒ Basis of the opinion
- II   ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V   ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand  07.01.2004	Date of completion of this report  22.09.2004
Name and mailing address of the international preliminary examining authority:   <div style="margin-left: 10px;"> European Patent Office  D-80298 Munich  Tel. +49 89 2399 - 0 Tx: 523656 epmu d  Fax: +49 89 2399 - 4465 </div>	Authorized Officer  Nicol, B  Telephone No. +49 89 2399-8188



# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB 03/02485

## I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

### Description, Pages

1-11 as originally filed

### Claims, Numbers

1-17 as originally filed

### Drawings, Sheets

1/5-5/5 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/GB 03/02485**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-15
	No: Claims	16,17
Inventive step (IS)	Yes: Claims	1-15
	No: Claims	16,17
Industrial applicability (IA)	Yes: Claims	1-17
	No: Claims	

2. Citations and explanations

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB 03/02485

The following documents are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

**D1: US-A-5 106 269**

**D2: EP-B-0 611 219**

**D3: US-A-3 771 555**

**Re Item V**

**1. The present application does not meet the requirements of Article 33(1) PCT, because the subject-matter of independent claim 16 is not new in the sense of Article 33(1) and (2) PCT.**

Document D1 discloses in accordance with claim 16 (see abstract, fig. 1&2, col.1, line 53 - col. 4, line 34) a method suitable for operating the system as claimed in any one of the claims 1-15 including the steps of:

- routing fluid from the upstream portion (2) to the downstream portion (3) of the pipeline through the module (4 or 5 or 6 or 7 or 8 or 9);
- isolating the system (4 or 5 or 6 or 7 or 8 or 9) from fluid flowing through the pipeline;
- retrieving the module;
- replacing the module with the same module after it has been overhauled or with a replacement module;
- re-establishing the flow of fluid through the module.

Further, the expression a method "of operating the system as claimed in any of the preceding claim" does not limit the scope of the method claim. It adds no method step. See Guidelines CIII3.7a. Thus, the method claim 16 consists simply in a method claim for replacing any module.

Furthermore, a method comprising all the steps of claim 16 is also disclosed in D2 and D3.

Thus, a method comprising all the steps of claim 16 is known from D1, D2, and D3.

**2. The present application does not meet the requirements of Article 33(1) PCT, because the subject-matter of independent claim 17 is not new in the sense of Article 33(1) and (2) PCT.**

Document D1 discloses in accordance with claim 17 (see abstract, fig. 2, col.1, line 53 - col. 4, line 34) a method suitable for operating the system as claimed in any one of the claims 9-15 including the steps of:

- routing fluid from the upstream portion (2) of the pipeline through the first module (40 or 45 or 50) then via a said manifold conduit (34) to the downstream portion (3) of the

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB 03/02485

pipeline;

- switching the flow so that it flows through the second instead of the first module;
- closing valves to isolate the first module from flows in the manifold conduits;
- retrieving the first module;
- replacing the first module with the same module after it has been overhauled or with a replacement module;
- re-establishing the flow through the overhauled or replacement module.

Further, the expression a method "of operating the system as claimed in any one of the claims 9-15 " does not limit the scope of the method claim. It adds no method step. See Guidelines CIII3.7a.

Thus, a method comprising all the steps of claim 17 is known from D1.

**3. The subject-matter of claim 1 meets the requirements of Article 33(1) PCT.**

Document **D4 (EP 1139007)** discloses in accordance with claim 1 a pressure protection system (Fig. 4, §14-21) for sensing a pressure of a fluid flowing in a pipeline (23) and isolating a downstream portion of the pipeline from an upstream portion thereof in response to the pressure of the fluid reaching a threshold value, the system comprising a first valve (31) connectable to the pipeline (23) such that the fluid flows therethrough when flowing from the upstream portion of the pipeline to the downstream portion thereof, control means (71) for controlling the first valve (31) and pressure sensing means (75, 79) cooperable with the control means upon sensing fluid pressure in the pipeline (23) at or above the threshold value to cause the control means to effect closure of the first valve.

Document D4, which is considered to represent the most relevant state of the art, discloses thus a process for transport of gas from which the subject-matter of claim 1 differs in that the first valve, the control means and the pressure sensing means form part of a retrievable module.

The subject-matter of claim 1 is thus new.

The problem to be solved can be regarded as having a system which can be more easily repair or maintain. Even retrievable part are well known, there is no incentive to modify the facility of D4 according to claim 1 in order to solve the problem posed.

The subject-matter of claim 1 involves thus an inventive step.

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

---

International application No. PCT/GB 03/02485

**The subject-matter of claims 2-15 concern further embodiments of the invention according to claim 1. Thus, these claims also meet the requirements of Article 33(1) PCT.**

**4. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 and EP1139007 is not mentioned in the description, nor are these documents identified therein.**